

Applicants: S. Richard F. Sims et al
Application No.: 10/675,596
Filing Date: September 29, 2003
Amendment Date: May 26, 2005
Reply to Office Action of: March 30, 2005

REMARKS

Reconsideration of this application is respectfully requested in view of the above amendments and the remarks set forth hereinbelow. All references to the pages and lines of the specification refer to the originally-filed specification.

The disclosure has been amended in paragraphs [0017] and [0019] to incorporate directly the material found in the publications that are referred to. The amendatory material consists of the same material that was previously incorporated by reference in the referencing application and thus involves no new matter. A declaration to this effect accompanies this amendment.

Rejection of claims 1-10 under 35 U. S. C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention is hereby traversed in light of the amendments made to the claims as explained below.

Claim 1 has been amended to delete indefinite and vague language and to eliminate a phrase lacking an antecedent. Language has been added to indicate clearly that the claimed system senses targets in changing weather conditions. This amendment is supported by the specification on page 4, lines 4 through 15 and page 5, lines 2 through 6. The amendment, therefore, adds no new matter. As amended, claim 1 now clearly and distinctly defines applicants' invention and overcomes Examiner's rejection thereof based on 35 U.S.C. 112, second paragraph. Accordingly, allowance of amended claim 1 is requested. Claim 2 now depends from a definite and distinct independent claim 1 and is allowable for the same reason supporting the allowability of the amended claim 1.

Claim 3 has been amended to eliminate indefinite and vague language and to replace language lacking an antecedent basis with language that is well supported by specification on page 5, lines 18-22 and page 6, lines 9-12 and lines 18-21. As amended, claim 3 is now believed to be allowable. Dependent claims 4-7 now depend from amended claim 3 and are also believed to be allowable. In addition, claims 4-6 have been amended to delete the indefinite term "foul weather" and replace it with clear-meaning

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"cloudy, foggy or rainy weather." This amendment is supported by the specification on page 5, lines 20-22 and does not add any new matter. Claim 7 depends from the now-amended claim 3 and is also believed to be allowable.

Claim 8 has been amended to delete indefinite and vague language and to eliminate a phrase lacking an antecedent. Language has been added to indicate clearly that the claimed system senses targets in a variety of weather conditions and to state that there is a one-to-one correspondence between a weapon and an individual secondary target sensing means. These amendments are supported by the specification on page 4, lines 4 through 15 and page 5, lines 2 through 6, and on page 2, lines 26 through 28. The amendments, therefore, add no new matter. As amended, claim 8 now clearly defines applicants' invention and overcomes Examiner's rejection based on 35 U.S.C. 112, second paragraph. Accordingly, allowance of amended claim 8 is hereby requested.

Claims 9 and 10 have been amended to remove vague and indefinite language and, as such, are now believed to be in condition for allowance.

In summary, claims 1, 3-6 and 8-10 have been amended to overcome the rejections under 35 U.S.C. 112, second paragraph and, where applicable, to include all of the limitations of the base claim and any intervening claims. Claims 2 and 7 depend from the now-amended claims. The prior art made of record and not relied upon are noted but are not deemed to disclose or otherwise fairly imply applicants' invention as defined by the amended claims.

In conclusion, since the claims have been amended or rewritten to define applicants' invention by particularly pointing out and distinctly claiming the subject matter which they regard as the invention, these claims are now believed to be allowable and such allowance is respectfully requested.

Respectfully,

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Attachment: declaration of no new matter